

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO**

GARY D. SMITH,

Plaintiff,

v.

No. 13-cv-1011 MCA/SMV

**BERNALILLO COUNTY METROPOLITAN
DETENTION CENTER, et al.,**

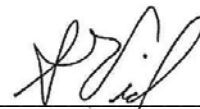
Defendants.

ORDER

This matter is before the Court on Plaintiff's original and amended motions for leave to proceed pursuant to 28 U.S.C. § 1915 [Docs. 2, 5]. Because the Court grants the motions, the filing fee for this civil rights complaint is \$350.00. Plaintiff is required to pay the full amount of the filing fee pursuant to § 1915(b)(1). Based on the information about Plaintiff's financial status, the Court will waive an initial partial payment pursuant to § 1915(b)(1). If Plaintiff fails to comply with this order, the civil rights complaint may be dismissed without prejudice without further notice.

IT IS THEREFORE ORDERED, ADJUDGED, AND DECREED that Plaintiff's original and amended motions for leave to proceed pursuant to 28 U.S.C. § 1915 [Docs. 2, 5] are **GRANTED**, and the initial partial payment is **WAIVED**;

IT IS FURTHER ORDERED that Plaintiff file monthly financial certificates and make monthly payments of twenty per cent (20%) of the preceding month's income credited to his account or show cause why the payment should be excused; and the Clerk is directed to provide Plaintiff with two copies of the post-filing financial certificate.



STEPHAN M. VIDMAR
United States Magistrate Judge